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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 VERNON WAYNE MCNEAL,

10 Plaintiff,

No. CIV S-05-0441 GEB EFB P

11 vs.

12 EVERT, et al.,

13 Defendants.

ORDER

14 _____/
15 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
16 U.S.C. § 1983. He has requested that the court appoint counsel. District courts lack authority to
17 require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States*
18 *Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request
19 counsel voluntarily to represent such a plaintiff. 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935
20 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990).
21 The court finds that there are no exceptional circumstances in this case.

22 Accordingly, IT IS HEREBY ORDERED that plaintiff's April 23, 2009 motion for
23 appointment of counsel is denied.

24 DATED: April 28, 2009.

25 
EDMUND F. BRENNAN
26 UNITED STATES MAGISTRATE JUDGE